

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

ANN-MARIE RETZLAFF,

Plaintiff,

Case No. 22-cv-0755-bhl

v.

HEARTLAND FINANCIAL USA INC,
BANK FIRST NATIONAL, JOHN DOE and
JANE DOE,

Defendant.

**ORDER ADOPTING REPORT AND RECOMMENDATION AND DISMISSING
COMPLAINT**

On May 6, 2022, Ann-Marie Retzlaff, proceeding *pro se*, filed a complaint against Heartland Financial USA, Inc., Bank First National, and two Doe Defendants in the Southern District of New York. (ECF No. 1.) Retzlaff's complaint alleged that the defendants engaged in unfair and deceptive practices, resulting in undue hardship, financial burden, and a "failure to capitalize on her true profits." (*Id.* at 6.) She seeks reimbursement of all interest and principal payments including late fees, retroactive compound interest on her total mortgage payments since July 30, 2010, and compensatory and punitive damages. (*Id.*) The Southern District of New York transferred Retzlaff's case to this district on June 29, 2022. (ECF No. 10.) Over the next several months, Retzlaff filed a variety of unconventional requests, including a motion to remedy, a motion to extend proof of service due to mail fraud, an objection to all motions, an order to cease and desist any and all sales, a motion to cease and desist, and a motion for emergency injunctions. (ECF Nos. 8–9, 12 & 14). On March 6, 2023, Magistrate Judge Dries denied two of those requests and ordered Retzlaff to show cause as to why her case should not be dismissed on its merits because it appeared to be "entirely frivolous." (ECF No. 17.) Judge Dries's order was sent to Retzlaff at the address she provided the Court in a August 11, 2022 change of address notice, but was returned as undeliverable. (ECF No. 18.)

On June 23, 2023, Magistrate Judge Dries issued a Report and Recommendation for dismissal of the complaint. (ECF No. 19.) Five days later, this report was also returned as undeliverable. (ECF No. 20.) Pursuant to General L.R. 72(c), 28 U.S.C. § 636(b)(1)(B) and (C) and Fed. R. Civ. P. 72(b)(2), Retzlaff had until July 7, 2023 to file and serve written objections to the Magistrate Judge's Report and Recommendation. Once objections are made, this Court must "make a de novo determination of those portions of the report or specified proposed findings or recommendations *to which objection is made.*" *Id.* (emphasis added). Retzlaff did not file an objection to any portion of the recommendation, either before or after the statutory deadline.

After consideration of Magistrate Judge Dries's Report and Recommendation, and the record as a whole, the Court adopts the Report and Recommendation of the Magistrate Judge. The record supports the Magistrate Judge's conclusion that Retzlaff's lawsuit is frivolous and despite being provided two opportunities to explain otherwise, she has not done so. Moreover, a plaintiff has a duty to update the Court on her address. *See* General L.R. 5(a)(4); *Johnson v. Lepianka*, No. 19-CV-898-JPS, 2022 WL 3082958, at *1 n.1 (E.D. Wis. Aug. 3, 2022) (noting that while the Court independently found the plaintiff's new address, it was under no obligation to do so) (citing *Shaffer v. Lashbrook*, 962 F.3d 313, 314 (7th Cir. 2020)). Retzlaff has also failed in this duty, also warranting dismissal of her case. *See Shaffer*, 962 F.3d at 315; Civil L.R. 41(c).

Therefore,

IT IS HEREBY ORDERED that Magistrate Judge Dries's Report and Recommendation, ECF No. 19, is **ADOPTED**.

IT IS FURTHER ORDERED that the complaint, ECF No. 1, is **DISMISSED** without prejudice. The Clerk is directed to enter judgment accordingly.

Dated at Milwaukee, Wisconsin on July 18, 2023.

s/ *Brett H. Ludwig*

BRETT H. LUDWIG
United States District Judge